

House Bill 956

By: Representatives Manning of the 32nd, Tumlin of the 38th, Ehrhart of the 36th, Parsons of the 42nd, Johnson of the 37th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 17-4-47 of the Official Code of Georgia Annotated, relating to
2 issuance of arrest warrants by video conference, testimony, initial bond hearings, and oaths,
3 so as to provide that an arrest warrant for a probation violation may be issued by means of
4 a video conference; to provide that a hearing relating to the issuance of a bond connected
5 with an offense may be issued by such a conference; to amend Code Section 42-8-38 of the
6 Official Code of Georgia Annotated, relating the arrest of a probationer for violation of terms
7 of probation and hearings and disposition of such charges, so as to provide that probation
8 proceedings may be conducted by means of a video conference; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 17-4-47 of the Official Code of Georgia Annotated, relating to issuance of
13 arrest warrants by video conference, testimony, initial bond hearings, and oaths, is amended
14 by striking in its entirety subsection (a) and inserting in lieu thereof the following:

15 "(a) A judge of any court in this state authorized to issue arrest warrants pursuant to Code
16 Section 17-4-40, including, without limitation, arrest warrants issued pursuant to Code
17 Section 42-8-38, may, as an alternative to other laws relating to the issuance of arrest
18 warrants, conduct such applications for the issuance of arrest warrants by video
19 conference."

20 **SECTION 2.**

21 Said Code section is further amended by striking in its entirety subsection (d) and inserting
22 in lieu thereof the following:

“(d) A judge may also utilize a video conference to conduct hearings relating to the issuance of ~~an initial~~ a bond connected with an offense for which ~~an arrest warrant is issued~~ a person is charged, provided that the setting of such bond is within the jurisdiction of that court.”

SECTION 3.

Code Section 42-8-38 of the Official Code of Georgia Annotated, relating to arrest of a probationer for violation of the terms of probation and hearings and disposition of such charges, is amended by striking in its entirety subsection (b) and inserting in lieu thereof the following:

“(b) The court, upon the probationer being brought before it, may commit him or her or release him or her with or without bail to await further hearing or it may dismiss the charge. If the charge is not dismissed at this time, the court shall give the probationer an opportunity to be heard fully at the earliest possible date on his or her own behalf, in person or by counsel, provided that, if the revocation proceeding is in a court other than the court of the original criminal conviction, the sentencing court shall be given ten days’ written notice prior to a hearing on the merits. In the discretion of the presiding court, proceedings conducted pursuant to this Code section may be held in open court or by video conference or other audiovisual device.”

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.